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TOURISM FOUNDATION dba GREATER PALM  
SPRINGS CONVENTION AND VISITORS BUREAU

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
EASTERN DIVISION**

LISA CORSON,  
  
Plaintiff

v.

GREATER PALM SPRINGS TOURISM  
FOUNDATION dba GREATER PALM  
SPRINGS CONVENTION AND  
VISITORS BUREAU,  
  
Defendant

Case No. 5:22-cv-00736-JWH (PVCx)  
Honorable, John W. Holcomb, Presiding  
Courtroom D9

**DEFENDANT GREATER PALM  
SPRINGS CONVENTION AND  
VISITORS BUREAU'S ANSWER TO  
PLAINTIFF'S COMPLAINT**

Defendant GREATER PALM SPRINGS TOURISM FOUNDATION dba GREATER  
PALM SPRINGS CONVENTION AND VISITORS BUREAU (hereinafter referred to as  
"CVB") Answers the Complaint ("Complaint") of Plaintiff Lisa Corson ("Plaintiff") in the  
above-entitled matter, as follows:

**SUMMARY OF THE ACTION**

1. The allegations in this paragraph contain legal conclusions to which no response is required.

2. CVB lacks sufficient information to form a belief as to the truth of the matters alleged regarding Corson and on that basis denies the allegations. As to the allegations regarding CVB, they are admitted. As to the allegations regarding the alleged infringement, they are denied.

3. Allegations missing or omitted.

4. Allegations missing or omitted.

5. Allegations missing or omitted.

**JURISDICTION AND VENUE**

6. The allegations in this paragraph contain legal conclusions to which no response is required.

7. The allegations in this paragraph contain legal conclusions to which no response is required.

8. Admitted.

9. The allegations in this paragraph contain legal conclusions to which no response is required.

**DEFENDANT**

10. Admitted.

**THE COPYRIGHTED WORK AT ISSUE**

11. CVB responds to this unnumbered paragraph in the complaint as follows: CVB lacks sufficient information to form a belief as to the truth of the matters alleged in this paragraph and for that reason denies the allegation.

12. CVB responds to this unnumbered paragraph in the complaint as follows: CVB lacks sufficient information to form a belief as to the truth of the matters alleged in this paragraph and for that reason denies the allegation.

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**INFRINGEMENT BY DEFENDANT**

13. CVB lacks sufficient information to form a belief as to the truth of the matters alleged in this paragraph and for that reason denies the allegation.

14. CVB lacks sufficient information to form a belief as to the truth of the matters alleged in this paragraph and for that reason denies the allegation.

15. CVB lacks sufficient information to form a belief as to the truth of the matters alleged in this paragraph and for that reason denies the allegation.

16. CVB lacks sufficient information to form a belief as to the truth of the matters alleged in this paragraph and for that reason denies the allegation.

17. CVB lacks sufficient information to form a belief as to the truth of the matters alleged in this paragraph and for that reason denies the allegation.

18. CVB lacks sufficient information to form a belief as to the truth of the matters alleged in this paragraph and for that reason denies the allegation.

19. CVB lacks sufficient information to form a belief as to the truth of the matters alleged in this paragraph and for that reason denies the allegation.

20. CVB lacks sufficient information to form a belief as to the truth of the matters alleged in this paragraph and for that reason denies the allegation.

21. Denied.

22. CVB lacks sufficient information to form a belief as to the truth of the matters alleged in this paragraph and for that reason denies the allegation.

23. Admitted.

**COUNT 1**

**COPYRIGHT INFRINGEMENT**

24. CVB incorporates its responses to paragraphs 1 through 23 as if set forth herein.

25. CVB lacks sufficient information to form a belief as to the truth of the matters alleged in this paragraph and for that reason denies the allegation.

26. CVB lacks sufficient information to form a belief as to the truth of the matters alleged in this paragraph and for that reason denies the allegation.

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27. Denied.

28. Denied.

29. Denied.

30. Denied.

31. Denied.

### **PRAYER**

1. Defendant denies Plaintiff is entitled to any relief.

2. Defendant denies Plaintiff is entitled to any monetary damages claimed.

3. Defendant joins Plaintiff in the request for a jury trial.

### **AFFIRMATIVE DEFENSES**

Defendant hereby asserts the following Affirmative Defenses in this case:

#### **FIRST AFFIRMATIVE DEFENSE**

1. Plaintiff fails to state a claim against Defendant on which relief can be granted.

#### **SECOND AFFIRMATIVE DEFENSE**

2. One or more third parties are liable for the conduct alleged and will be required to answer and indemnify.

#### **THIRD AFFIRMATIVE DEFENSE**

3. Plaintiff's claims for relief are barred by the "Fair Use Doctrine" pursuant to Section 107 of the Copyright Act, 17 U.S.C. §107.

#### **FOURTH AFFIRMATIVE DEFENSE**

4. The action is barred by the doctrine of Laches.

#### **FIFTH AFFIRMATIVE DEFENSE**

5. Plaintiff's action is barred by the doctrine of equitable estoppel.

#### **SIXTH AFFIRMATIVE DEFENSE**

6. Defendant's conduct was innocent, non-infringing, and not a willful infringement of copyright.

#### **SEVENTH AFFIRMATIVE DEFENSE**

7. Any alleged infringement is barred by the statutes of limitations as set forth in

1 section 507 of the Copyright Act, 17 U.S.C. §507, and as set forth in California Civil Code  
2 §339(1).

3 **EIGHTH AFFIRMATIVE DEFENSE**

4 1. Plaintiff has released or otherwise waived her rights to claim copyright  
5 infringement.

6 **NINTH AFFIRMATIVE DEFENSE**

7 2. Plaintiff has acquiesced in any alleged copyright infringement.

8 **TENTH AFFIRMATIVE DEFENSE**

9 1. Plaintiff has failed to join indispensable parties.

10  
11 WHEREFORE, Defendant prays this Honorable Court for the following relief:

- 12 1. For dismissal of the Plaintiffs' action with prejudice;  
13 2. For an order that Plaintiffs' shall take no relief from their complaint herein;  
14 3. For an award of Defendant's costs and attorneys' fees herein incurred; and  
15 4. For such further and other relief and the Court deems fair and just.

16  
17 DATE: June 23, 2022

**SLOVAK BARON EMPEY MURPHY & PINKNEY LLP**

18  
19 By:



20 Shaun M. Murphy, Esq.  
21 Attorneys for Defendants  
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